

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

COURTNEY THOMAS,

Plaintiff,

v.

DAVID BOYSEN, et al.,

Defendants.

Case No. 1:24-cv-1207

HON. JANE M. BECKERING

**MEMORANDUM OPINION AND ORDER**

In 2023, Plaintiff, proceeding pro se, initiated an action in state court against Defendants, which Defendants removed to this Court. *See Thomas v. Boysen et al.*, 1:23-cv-996-JMB-SJB. The 2023 case was dismissed on April 17, 2024. On November 14, 2024, Plaintiff, proceeding pro se, initiated this action with the filing of a Complaint in this Court against the same Defendants (ECF No. 1). On November 20, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 28 U.S.C. § 1915(e)(2). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (ECF No. 8). In accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Memorandum Opinion and Order.

The Magistrate Judge determined that Plaintiff's instant claims are barred by the doctrine of claim preclusion (R&R, ECF No. 7 at PageID.18–20). In his objections, Plaintiff opines that

this Court should allow him to present his current claims as he “now has a better understanding of how to present the facts and how the facts correlate to the law cited [sic]” (Pl. Obj., ECF No. 8 at PageID.24–26). Plaintiff’s objections demonstrate only his disagreement with the result in this case. He fails to demonstrate any factual or legal error in the Magistrate Judge’s analysis or ultimate conclusion. Accordingly, the Court will approve and adopt the Report and Recommendation as the Opinion of the Court.

Additionally, a Judgment will be entered consistent with this Memorandum Opinion and Order. *See* FED. R. CIV. P. 58. For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) and consistent with the Magistrate Judge’s recommendation that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211–12 (2007). Accordingly:

**IT IS HEREBY ORDERED** that the Objections (ECF No. 8) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 7) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Complaint (ECF No. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2) for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: January 28, 2025

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge